MEETING SUMMARY for MERCURY WORK GROUP

Date: August 7, 2003
9:30 am –11:30 am
Location: IGCN
Conference Room D
Indianapolis, IN

Present at the meeting:
Tom Barnett (Ispat Inland Steel), Eric Fry (Black Beauty Coal), Steve Gohmann (Heritage Environmental), Tom Neltner (Improving Kids' Environment), Dan Olson (Michigan City)
Participating by way of conference call were Morris Beaton (EPA), Dave Pfeifer (EPA), Charlotte Read (environmental representative), Paul Wonderich (Indianapolis), Keith Veal (Indianapolis), and Kevin Hoge (NiSource)
Representing IDEM were John Donnellan, Meredith Kostek, Steve Roush, Paula Smith, Bobbi Steiff, and MaryAnn Stevens.

Acceptance of meeting minutes
The June 11, 2003 meeting minutes have been finalized and will be posted to the web site.
The July 9 meeting minutes were discussed. Some comments need to be confirmed before these minutes are finalized. The group agreed to accept the minutes with some minor changes that were discussed. The minutes showing the revisions will be sent to the workgroup and posted on the IDEM, Office of Water Quality's Mercury website, a part of the total Triennial Review website.

Distribution List
Tom Barnett indicated that he is not receiving e-mails. IDEM will check to make sure he is still on the distribution list.

Changes to Accomplishments List
Item #16 "Agreed a variance is necessary" was added to the list of accomplishments of the Mercury Workgroup.

First Notice Responses
Comments on the first notice have been received and a summary of these is being prepared. Mary Ann Stevens will e-mail the group a list of respondents to the first notice.

List of Key Issues to be addressed in the Variance Rule
The Workgroup has compiled two lists of items that need to be addressed in a mercury variance. These items were discussed to determine if any items needed to be added or any items could be combined. Tom Neltner suggested that we might add a requirement for facilities that contributed a mercury load to the city treatment plant but do not have a permitted discharge of mercury because they are too small to have a pretreatment permit. One example of this is dental offices. The group concluded that IDEM probably does not currently have the authority to regulate these types of discharges within the framework of existing rules. Dan Olson brought up the issue of the reasonable potential (RP) to exceed Hg effluent limits. The concern centered on sections of the

water rule that provide a procedure for calculating RP. If only a small number of samples are analyzed, the statistical calculations would determine a Projected Effluent Quality (PEQ) much greater than the individual results. Dan indicated that it may be better to get a larger number of samples, which would be a more representative of the effluent, before the RP calculation was done. This issue will need to be discussed further in the future.

IDEM Dental Mercury Program Overview

Cheri Storms presented an overview of IDEM Dental Mercury programs and also how other states are addressing these issues. Dental offices have been identified as a significant source of mercury into the wastewater system. She indicated that IDEM has been collecting elemental mercury in sweeps of dental offices. Indiana does not currently have regulations requiring dental offices to use mercury amalgam separators, but this approach is currently being used in Washington State. The workgroup also discussed issues related to amalgam separator efficiency and Indiana regulations for handling bulk mercury.

Other discussion topics

1. Meredith Kostek explained what the Indiana water rules require regarding mixing zones for BCCs (including Hg). The rules have different requirements depending on whether the discharger is in the Great Lakes Area (GLI) or are outside the GLI basin.

   The details on this issue will be outlined in a document that will be forwarded to the group. In general, the following will apply after 1/1/04:

   For the non-GLI region, no mixing zone will be allowed for any discharge of a BCC.
   For the GLI area, the only case where a mixing zone will be allowed is for an existing discharge where one of two conditions (exceptions) can be demonstrated.

2. IDEM will try to scan comment letters regarding the first notice and include them in the mercury library.

3. Tom Neltner brought up the topic of extending the Hg variance to include facilities that don't currently have effluent mercury limits.

4. Eric Fry submitted a USGS study entitled "A National Pilot Study of Mercury Contamination of Aquatic Ecosystems Along Multiple Gradients: Bioaccumulation in Fish" 2001. This study may indicate that Total Hg is not a good indicator of Hg accumulation in fish. There was a much better correlation with MeHg. MeHg is some fraction of Total Hg and varies due to certain environmental factors. Therefore, Total Hg may be a poor choice as a WQS. Eric has had discussions with many scientists who hold this opinion.

5. Eric also commented on the Metalicus project (a joint project with EPA, DOE, USGS, and many others) that looks at the bioavailability of Hg from different sources. Initial results raise a question as to whether point source Hg is bioavailable to fish.

6. Eric also submitted a summary of a meeting between an EPA team led by Jim Pendergast and the Federal Water Quality Coalition led by Fred Andes that indicated among other things that EPA admits that they do not know the bioavailability of point source mercury. Eric feels the regulations may be proceeding before the science is sufficiently clear to point

to an intelligent path. He believes it is appropriate to question the wisdom and fairness of causing point sources to spend large sums of money when point source mercury may not be bioavailable and the prevailing thinking in much of the scientific community is that global air emissions are the source responsible for Hg accumulation in fish.

Next Step

- During the next meeting, the workgroup plans to review the first notice comments and use these to provide the group discussion items and a direction for the group to proceed.

To Do List

- Meredith Kostek is to forward the mixing zone memo to the workgroup.
- Meredith and Mary Ann Stevens will scan the first notice comments and include them in the Hg library.
- The workplan is considered a "living document and will be revised, as necessary by Steve Roush.
- Steve will also update the List of Accomplishments, as necessary.
- Larry Wu is to work on the draft Public Participation Guidance.
- Tom Neltner will look into the issue of possibly extending the variance beyond the current scope.
- Eric Fry will try to obtain information regarding issues related to wetlands and the environmental bioconversion of Hg.
- IDEM will include the missing names on the distribution list.
- The minutes for the July 9 meeting will be revised after addressing issues regarding comments.

Next meeting

The next meeting is scheduled for September 10, 2003, from 9:30 to 11:30 A.M., in IGCN, Twelfth Floor, Conference Room D.